

laboratories associated with POW/MIA accounting are thoroughly analyzing remains, material, and other information and fulfilling their responsibilities as set forth in subsection (B) of section 610, and information pertaining to this accounting is being made available to immediate family members in compliance with 50 U.S.C. 435 note.

I have been advised and believe that section 610 is unconstitutional because it purports to use a condition on appropriations as a means to direct my execution of responsibilities that the Constitution commits exclusively to the President. I am providing this determination as a matter of comity, while reserving the position that the condition enacted in section 610 is unconstitutional.

In making this determination, I have taken into account all information available to the United States Government as reported to me, the full range of ongoing accounting activities in Vietnam, including joint and unilateral Vietnamese efforts, and the concrete results we have attained as a result.

Finally, in making this determination, I wish to reaffirm my continuing personal commitment to the entire POW/MIA community, especially to the immediate families, relatives, friends, and supporters of these brave individuals, and to reconfirm that the central, guiding principle of my Vietnam policy is to achieve the fullest possible accounting of our prisoners of war and missing in action.

You are authorized and directed to report this determination to the appropriate committees of the Congress and to publish it in the *Federal Register*.

**George W. Bush**

NOTE: An original was not available for verification of the contents of this memorandum.

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### **Digest of Other White House Announcements**

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The following list includes the President's public schedule and other items of general interest announced by the Office of the Press Secretary and not included elsewhere in this issue.

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#### **May 6**

In the afternoon, the President returned from Camp David, MD, to Washington, DC, where he and Mrs. Bush hosted a tee-ball game on the South Lawn.

#### **May 8**

The President announced his intention to nominate William Henry Lash III to be Assistant Secretary of Commerce for Market Access Compliance.

The President announced the nomination of Susan Morrissey Livingstone to be Under Secretary of the Navy.

#### **May 9**

The President announced his intention to nominate Vincent Martin Battle to be Ambassador to Lebanon.

The President announced his intention to nominate Representative Asa Hutchinson to be Administrator of the Drug Enforcement Administration at the Department of Justice.

The President announced his intention to nominate Brian Carlton Roseboro to be Assistant Secretary of the Treasury for Financial Markets.

The White House announced that the President will travel to Philadelphia, PA, on May 14.

#### **May 10**

In the afternoon, the President traveled to Vienna, VA, and later, he returned to Washington, DC.

The President declared a major disaster in Illinois and ordered Federal aid to supplement State and local recovery efforts in the area struck by flooding beginning on April 18 and continuing.

#### **May 11**

In the afternoon, the President traveled to Camp David, MD.

The President declared a major disaster in Wisconsin and ordered Federal aid to supplement State and local recovery efforts in the area struck by flooding and severe storms on April 10 and continuing.

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## **Nominations Submitted to the Senate**

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The following list does not include promotions of members of the Uniformed Services, nominations to the Service Academies, or nominations of Foreign Service officers.

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### ***Submitted May 7***

Stephen Brauer,  
of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Jack Dyer Crouch II,  
of Missouri, to be an Assistant Secretary of Defense, vice Franklin D. Kramer.

Susan Morrissey Livingstone,  
of Montana, to be Under Secretary of the Navy, vice Robert B. Pirie, Jr.

James G. Roche,  
of Maryland, to be Secretary of the Air Force, vice F. Whitten Peters.

### ***Submitted May 8***

Mary Sheila Gall,  
of Virginia, to be Chairman of the Consumer Product Safety Commission, vice Ann Brown.

William Henry Lash III,  
of Virginia, to be an Assistant Secretary of Commerce, vice Patrick A. Mulloy, resigned.

### ***Submitted May 9***

Terrence W. Boyle,  
of North Carolina, to be U.S. Circuit Judge for the Fourth Circuit, vice J. Dickson Phillips, Jr., retired.

Edith Brown Clement,  
of Louisiana, to be U.S. Circuit Judge for the Fifth Circuit, vice John M. Duhe, Jr., retired.

Deborah L. Cook,  
of Ohio, to be U.S. Circuit Judge for the Sixth Circuit, vice Alan E. Norris, retired.

Miguel A. Estrada,  
of Virginia, to be U.S. Circuit Judge for the District of Columbia Circuit, vice Patricia M. Wald, retired.

Roger L. Gregory,  
of Virginia, to be U.S. Circuit Judge for the Fourth Circuit (new position).

Michael W. McConnell,  
of Utah, to be U.S. Circuit Judge for the Tenth Circuit, vice Stephen H. Anderson, retired.

Priscilla Richman Owen,  
of Texas, to be U.S. Circuit Judge for the Fifth Circuit, vice William L. Garwood, retired.

Barrington D. Parker,  
of Connecticut, to be U.S. Circuit Judge for the Second Circuit, vice Ralph K. Winter, retired.

John G. Roberts, Jr.,  
of Maryland, to be U.S. Circuit Judge for the District of Columbia Circuit, vice James L. Buckley, retired.

Dennis W. Shedd,  
of South Carolina, to be U.S. Circuit Judge for the Fourth Circuit, vice Clyde H. Hamilton, retired.

Jeffrey S. Sutton,  
of Ohio, to be U.S. Circuit Judge for the Sixth Circuit, vice David A. Nelson, retired.

### ***Submitted May 10***

Cari M. Dominguez,  
of Maryland, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 2001, vice Joyce Elaine Tucker, term expired.

Cari M. Dominguez,  
of Maryland, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 2006 (reappointment).

Michael K. Powell,  
of Virginia, to be a member of the Federal Communications Commission for a term of 5 years from July 1, 2002 (reappointment).